

**FILED**

**JUL 23 2019**

Clerk, U S District Court  
District Of Montana  
Billings

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

GEORGE EMFINGER,

Plaintiff,

vs.

MR. JOE, et al.,

Defendants.

CV 18-00081-BLG-SPW-TJC

ORDER ADOPTING  
MAGISTRATE'S FINDINGS  
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on June 25, 2019. (Doc. 11.) The Magistrate recommended this case be dismissed for failure to state a federal claim upon which relief may be granted and for failure to comply with L.R. 5.3(b). (Doc. 11 at 1–2.)

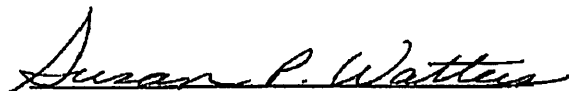
Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. Fed. R. Civ. P. 6(d) extends this period for 3 days when a party is served findings and recommendation by mail. No objections were filed within the time allotted. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has

been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error. Emfinger’s filings (Docs. 2, 5–8) fail to state a federal claim upon which relief may be granted. The Court also holds Emfinger has failed to comply with L.R. 5.3(b) because more than 60 days have passed since the return of written communication addressed to Emfinger’s address of record, and Emfinger has not filed a notice of change of address. (Doc. 11 at 1–2.) Accordingly,

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 11) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that this action is DISMISSED. The clerk of court shall enter judgment in favor of the Defendants.

DATED this 22<sup>nd</sup> day of July, 2018.

  
SUSAN P. WATTERS  
United States District Judge